

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
BLADIMIR DIAZ,
DEBTOR.

CHAPTER 13
CASE NO. 16-56038-MAR
JUDGE MARK A RANDON

**TRUSTEE'S MOTION TO DISMISS DUE TO DEBTOR'S FAILURE TO COMPLY WITH A COURT
ORDER**

Now COMES the Chapter 13 Trustee, Krispen S. Carroll, and moves this Honorable Court for dismissal of the above-captioned matter pursuant to 11 U.S.C. § 1307(c) and in support thereof states as follows:

1. That this Motion is brought pursuant to 11 U.S.C. § 1307(c) “the court ... may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including -- (1) unreasonable delay by the debtor that is prejudicial to creditors.”

2. Debtor's case was filed on November 30, 2016.

3. Under the terms of the Order Adjourning Section 341 Meeting of Creditors, “debtor shall serve 2014 tax return on the Trustee’s office, on or before January 27, 2017, and that if not completed by the date specified, the debtor shall attend the adjourned 341 hearing, which the Debtor failed to do.

4. The Court is authorized to grant the relief requested pursuant to 11 U.S.C. § 105(a).

5. The undersigned sought concurrence of debtor counsel in the relief

requested on February 7, 2017, but at the time of filing this motion, such concurrence had not been given.

WHEREFORE, the Chapter 13 Trustee prays this Honorable Court dismiss the above-captioned matter for cause, including prejudicial delay to creditors.

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
KRISPEN S. CARROLL, CHAPTER 13 TRUSTEE

February 9, 2017

_____/s/ Margaret Conti Schmidt

Krispen S. Carroll (P49817)

Margaret Conti Schmidt (P42945)

Maria Gotsis (P67107)

719 Griswold Street, Ste 1100

Detroit, MI 48226

(313) 962-5035

notice@det13ksc.com

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
BLADIMIR DIAZ,
DEBTOR.

CHAPTER 13
CASE NO. 16-56038-MAR
JUDGE MARK A RANDON

ORDER DISMISSING CASE DUE TO DEBTOR'S FAILURE TO COMPLY WITH A COURT ORDER

This matter having come to be heard upon the Trustee's Motion to Dismiss Due to Debtor's Failure To Comply With a Court Order filed pursuant to 11 U.S.C. § 1307(c), the Motion having been duly served on Debtor's counsel and the last known address of the Debtor and the requisite time having passed without objection having been timely served, a Certificate of No Response having been filed and the relief requested in the Motion being warranted, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the above-captioned matter shall be and is hereby dismissed for cause.

IT IS FURTHER ORDERED that the Clerk of the Court shall immediately provide notice of the entry of this order to all creditors listed in this case, the debtor, debtor's attorney, if any, and the Trustee.

IT IS FURTHER ORDERED that Krispen S. Carroll, Trustee, is discharged as Trustee and the Trustee and her surety is released from any and all liability on account of the within proceeding.

EXHIBIT "A"

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

BLADIMIR DIAZ,
AKA/DBA:
Debtor.

CHAPTER 13
CASE NO. 16-56038-MAR
JUDGE MARK A RANDON

Address
35451 TOWNLEY DR
STERLING HEIGHTS, MI 48312-0000

Last four digits of Social Security or Individual Tax-payer
Identification (ITIN) No(s), (if any): 5172,

Employer's Tax Identification (EIN) No(s).(if any): _____

NOTICE OF TRUSTEE'S MOTION TO DISMISS

The Chapter 13 Trustee has filed papers with the court to dismiss the above-captioned case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the court to dismiss the above-captioned case or if you want the court to consider your views on the Trustee's motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at¹:

**United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, Michigan 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

¹Response or answer must comply with F.R.Civ.P. 8(b), (c) and (e)

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

ATTN: MOTION DEPARTMENT

719 Griswold Street

Suite 1100

Detroit, MI 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

Krispen S. Carroll, Chapter 13 Trustee

February 9, 2017

/s/ Margaret Conti Schmidt

KRISPEN S. CARROLL (P49817)

MARGARET CONTI SCHMIDT (P42945)

MARIA GOTSIS (P67107)

719 Griswold Street

Suite 1100

Detroit, MI 48226

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_____ /

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JUDGE MARK A RANDON

CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, I electronically filed **Trustee's Motion to Dismiss Due to Debtor's Failure To Comply With a Court Order, Notice, and Certificate Of Mailing** with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

FREE BANKRUPTCY EVALUATION
24725 W 12 MILE RD STE 110
SOUTHFIELD, MI 48034-0000

and I hereby certify that I have mailed by United States Postal Service the above mentioned documents to the following non-ECF participants:

BLADIMIR DIAZ
35451 TOWNLEY DR
STERLING HEIGHTS, MI 48312-0000

February 9, 2017

_____/s/ Barbara A. Ecclestone
Barbara A. Ecclestone
For the Office of the Chapter 13 Trustee-Detroit
719 Griswold St., Ste 1100
Detroit, MI 48226
(313) 962-5035
notice@det13ksc.com